



City of Westminster

Cabinet Member Report

Meeting or Decision Maker:	Cabinet Member for Public Protection
Date:	23rd October 2015
Classification:	General Release
Title:	Revised Statement of Licensing Policy
Wards Affected:	All
City for All	This decision will promote a City of aspiration, choice and heritage by promoting statutory licensing objectives, allowing businesses to thrive and enabling local residents to be more involved in their community.
Key Decision:	No
Financial Summary:	None
Report of:	Julia Corkey, Director of Policy Performance and Communications

1. Executive Summary

- 1.1 The Council's Statement of Licensing Policy expires on the 6th January 2016. The Licensing Act 2003 (the 2003 Act) requires the Licensing Authority to review its policy and publish a revised Statement of Licensing Policy which will be effective by the 7st January 2016.
- 1.2 Following extensive public consultation, and considering 27 consultation responses, the revised policy statement incorporates eight specific proposals to clarify the existing policies and update the policy in line with changes in legislation and Government guidance which have occurred since the current policy was published.
- 1.3. The final draft of the revised Statement of Licensing Policy is attached at Appendix 1 to this report.
- 1.4 To fulfil the Council's statutory duties, it is recommended that the revised Statement of Licensing Policy is adopted from 7th January 2016.

1.5 The revised Statement of Licensing Policy has to be formally approved by Full Council.

2. Recommendations

2.1 Subject to recommendation 2.2 below, that the Cabinet Member agrees the draft Statement of Licensing Policy attached as Appendix 1, subject to any non-substantive legal or minor amendments which may be required and which are delegated to the Executive Director, Policy, Performance and Communications to make.

2.2 That the Cabinet Member recommends that Full Council adopt the draft Statement of Licensing Policy and that it be published and made effective from 7th January 2016.

3. Reasons for Decision

3.1 The approval of the final draft of the Statement of Licensing Policy and approval for publication by Full Council will ensure that the Council meets its statutory requirements for adopting this statement.

4. Background, including Policy Context

4.1 Under the 2003 Act, the City Council regulates the retail sale of alcohol, the supply of alcohol at club premises, the provision of regulated entertainment, and the sale of hot food and hot drink between 23.00 and 05.00.

4.2 At least every 5 years, the council must determine and keep under review its policy with respect to the exercise of its licensing functions, and publish a statement of that policy. The council has a duty to promote the four licensing objectives, which are;

Prevention of crime and disorder

Public safety

Prevention of public nuisance, and

Protection of children from harm

4.3 The current Statement of Licensing Policy has operated since 7th January 2011. The current policy sets out the approach the council will take when applications for new licences are received, when variations are sought to existing licences, (for instance to extend the hours of licensable activity, change conditions of the licence, or add other licensable activities), and to determine applications to review licences and for dealing with Temporary Event Notices. The aim of the policy is to promote the licensing objectives.

4.4 The policy recognises that the scale, diversity and concentration of licensed premises, particularly in the West End, is unique and brings cultural and financial benefits to the whole city. The City Council believes that good management of its vibrant entertainment industry, and of the street

environment within which it operates, is essential to the continued success of central London, and in attracting a wide range of people who want to work, visit or live there.

- 4.5 The policy seeks to widen the choice and appeal of licensed premises, the development of greater diversity in the types of entertainment and cultural activity on offer and in the age groups attracted to them, and to protect the quality of life of local residents and visitors.
- 4.6 There are four general policies which relate to each of the four licensing objectives, and a policy which sets out the “core hours” to which the council will generally grant a licence.
- 4.7 Additionally, the Statement identifies three “stress areas” within the city which have been identified as suffering from the cumulative impact of a concentration of licensed premises, and where special policies apply; capping the number of bars, night clubs and take-away hot food premises and preventing them opening later or increasing their capacities. The council recognises the differing impacts that different types of licensed premises can have in relation to the licensing objectives and has policies for various types of premises, both inside and outside the designated “stress areas”. Adopting the terminology in Guidance the City Council proposes to re-label “stress areas” as Cumulative Impact Areas and the special policies which apply in those areas as Cumulative Impact Policies. Statutory guidance states that the cumulative impact of licensed premises is a proper matter for licensing authorities to consider when developing statements of licensing policy.
- 4.8 In drafting its revised policy the City Council has considered the operation of the current policy, drawing on issues raised at hearings of the Licensing Sub-Committee, and which often reflect applicants’ or objector’s concerns over the policy, and issues raised in the courts at appeal.
- 4.9 The policy has also been revised to reflect changes in legislation, statutory guidance and council policies and initiatives which have been introduced since the last review and relevant data has been updated.

5. Financial Implications

- 5.1 There are no direct financial costs as a result of approving this final version of the Statement.

6. Legal Implications

- 6.1 Section 5 of the 2003 Act requires the Licensing Authority to prepare and publish a statement of its licensing policy at least every 5 years. Such a policy must be approved by Full Council and must be published before the authority carries out any functions or determines any applications or deals with any notices made under the terms of the 2003 Act.

7. Staffing Implications

7.1 There are no staffing implications as a result of this report.

8. Equalities Implications

8.1 In preparing the proposed policy, officers have had regard to its Public Sector Equality Duty (PSED) imposed under section 149 of the Equality Act 2010. This requires public bodies to consider how the decisions they make, and the services they deliver, affect people who share different protected characteristics including age, race and disabilities etc. It is considered that the policies in the revised Statement of Licensing Policy will not negatively impact on any of the protected categories within the Equality Act.

9 Consultation

9.1 Extensive public consultation was open for 8 weeks until 15th May 2015. The council received 27 written responses to the consultation from:

The Soho Society	HK Diner
Covent Garden Community	St Johns Wood Society
Covent Garden Area Trust	CAB Licensing Project
Paddington Waterways and Maida Vale Society	Hippodrome Casino
Mayfair Residents Group	Soho Estates
Knightsbridge Association	Jeffrey Green Russell Solicitors
Soho resident and ex restaurateur	Heart of London Business Alliance
Marylebone Association	Shaftesbury plc
Marylebone resident	WCC Environment Health
Chiltern Street resident	Dr Philip Hadfield
Blandford Street resident	Edgware Road Partnership
Berkeley Street residents	Capco Covent Garden
Park Street resident	Parley Beer Group
West End (Chinatown) Tenants Association	

A summary of responses to the consultation questions is available at http://transact.westminster.gov.uk/docstores/publications_store/Licensing/revision_statement_licensing_policy2015.pdf

If you have any queries about this Report or wish to inspect any of the Background Papers please contact:

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BACKGROUND PAPERS:

Licensing Act 2003

Current Westminster City Council Statement of Licensing Policy

Revised Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 – March 2015